

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)	
COMPANY, an insurance company)	
incorporated in the State of Iowa;)	
)	CIVIL ACTION
)	NUMBER
Plaintiff,)	
)	2:05 -CV-01108-MEF
V.)	
)	
ARNBERG & ALLEN CONSTRUCTION,)	
L.L.C.; STEPHEN D. ARNBERG,)	
JIM ALLEN, MICHAEL O. LUNSFORD)	
and DEBRA O. LUNSFORD.)	
)	
Defendants.)	

REPORT OF PARTIES PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on February 8, 2006, and was attended by¹:

Cynthia A. Martin for plaintiff Employers Mutual Casualty Company
Richard H. Allen for defendant Arnberg & Allen Construction LLC
and defendant Jim Allen
Robert Jackson Russell, Jr. for defendants Michael and Debra
Lunsford

2. Pre-Discovery Disclosures. The parties will exchange by March 1, 2006 the information required by Local Rule 26.1(a)(1).

¹Stephen D. Arnberg is currently a party to this action and he did not attend the conference. An application for default is pending against him as he was served on December 2, 2005 and has failed to answer or otherwise defend this action.

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

all factual and legal claims addressing insurance coverage and policy interpretation.

All discovery commenced in time to be completed by December 15, 2006.

Maximum of 40 interrogatories by each party to any other party.

Responses due 30 days after service.

Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 10 depositions by plaintiff and 10 by defendants.

Each deposition is limited to a maximum of 7 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26 due:

from plaintiff by October 1, 2006.

from defendants by November 1, 2006.

Supplementations under Rule 26(e) due December 1, 2006.

4. Other Items.

The parties do not request a conference with the Court before entry of the scheduling order.

Plaintiff should be allowed until April 1, 2006 to join additional parties and until May 1, 2006 to amend the pleadings.

Defendants should be allowed until May 1, 2006 to join additional parties and until June 1, 2006 to amend the pleadings.

All potentially dispositive motions should be filed by December 15, 2006.

Settlement cannot be realistically evaluated prior to December 15, 2006.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiff by 30 days prior to trial.

from defendants by 30 days prior to trial.

Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by January 16, 2007 and at this time is expected to take approximately 2 days.

/s/James A. Kee, Jr.
/s/ Cynthia A. Martin
Attorneys for Plaintiff EMCC

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/s/ Richard H. Allen
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